

**REMARKS:**

This paper is herewith filed in response to the Examiner's final Office Action mailed on November 1, 2007 for the above-captioned U.S. Patent Application. This office action is a rejection of claims 1-22 of the application.

More specifically, the Examiner has rejected claims 1-2, 8-9, 15-16, 19, and 22 under 35 USC 103(a) as being unpatentable over by Forssell (EP1006695) in view of Cromer (US2003/0186703); rejected claim 3 under 35 USC 103(a) as being unpatentable over Forssell in view of Cromer and further in view of Upp (US2004/0002351); rejected claims 4-5, 10, and 20-21 under 35 USC 103(a) as being unpatentable over Forssell in view of Cromer and in further view of Lechleider (US6,058,109) and Rinchiuso (US2004/0196861); rejected claims 6 and 11 under 35 USC 103(a) as being unpatentable over Forssell in view of Cromer, Lechleider, Rinchiuso and in further view of Schieder (EP1139613); rejected claim 7 under 35 USC 103(a) as being unpatentable over Forssell in view Cromer and further in view of Kajizaki (US2001/0055317); rejected claim 12, under 35 USC 103(a) as unpatentable over Forssell in view of Scheider; rejected claim 13 under 35 USC 103(a) as being unpatentable over Forssell in view of Schieder and further in view of Upp; rejected claim 14 under 35 USC 103(a) as being unpatentable over Forssell in view of Schieder and further in view of Kajizaki; rejected claim 17-18 under 35 USC 103(a) as being unpatentable over Forssell in view of Cromer and further in view of Schieder.

Claims 1 has been amended for clarification. Claim 2 has been amended for mere formality reasons. Support for the amendments can be found at least on page 6, lines 10-20 and page 7, line 34 to page 8, line 25. No new matter is added.

As amended claim 1 recites:

A method, comprising: communicating through a dedicated channel comprising both an uplink and at least one downlink in which a server function or server in a

core network interconnecting them controls a flow of data packets, and keeping up the dedicated channel after a last speech sample packet is sent downlink from the core network by sending post-speech packets for a time of such duration that a new uplink can be established utilizing the at least one downlink from the core network.

The Applicants note that claim 1 has been amended to better reflect an embodiment of the invention, which is that the network server and not the terminal sends the post-speech packets. In addition, claim 1 is amended for clarification of another embodiment of the invention, which is that the new uplink can be established utilizing the prevailing at least one downlink from the core network. The Applicants expressly refute any presumption that the amendments were made in order to support an argument for patentability.

It can be seen that Forssell deals with delay-sensitive data (abstract, and paragraphs [0001], [0003], [0033], [0037], [0039]-[0040]).

As cited Forssell discloses:

“Preferably, the network is informed at the end of an active period, on whether a passive period follows the active period or if the connection can be released,” (par. [0042], lines 40-41), and

“Alternatively, a separate signalling message can be used. With this information it is possible to keep the created temporary block flow available even when there is no data to be transmitted,” [thus] “When an active period starts after a passive period, the connection starts using the created TBF again, and possible other users of the packet data channel may be assigned to other channels,” (par. [0042], lines 44-47).

The Applicants note that Forssell appears concerned with how resources for a transmitting party (a speaking party) can be guaranteed during and after a passive period. Thus, an object of Forssell is seen to relate to keeping a connection for delay sensitive data reserved so that a delay in re-establishing a connection is avoided.

Cromer relates to conserving battery power (abstract, and paragraphs [0002], [0010]). Cromer

discloses “the client device is initially run at the lowest bandwidth permitted by protocol,” (par. [0027]). Thus, it appears that an objective of Cromer is reached by remaining on a lowest bandwidth permitted by the protocol of the client device.

Cromer discloses:

“In a preferred embodiment, data packets are transmitted in bursts, in which multiple data packets are transmitted in rapid succession to the client device. **The first data packet is received at the lowest bandwidth, and the client device then sets the client device's bandwidth to the highest permissible by protocol**, as shown in block 44. In a preferred protocol of IEEE Standard 802.11b, this highest permissible bandwidth is 11 Mbps. **Subsequent data packets are then received at the highest bandwidth until an idle state of packet transmission is detected, as illustrated in blocks 46 and 48, indicating no further packets are being transmitted in the burst**. When the series of packets transmitted in the burst, preferably representing a large datafile, are all received, an idle state is detected by the client device indicating that no further data packets are being transmitted. **The client device then returns to the lowest bandwidth setting to conserve battery power while transceiving subsequent ping packets and monitoring for new data packets addressed to the client device**,” (emphasis added), (par. [0029]).

Cromer discloses that “The first data packet is received at the lowest bandwidth,” (par. [0029]). Then, as Cromer discloses, after the first packet is received the client device sets the client device’s bandwidth to the highest possible bandwidth. The Applicants submit that the modifying of the bandwidth in Cromer is seen to require signaling which would likely increase packet delays. However, since Cromer relates to conserving battery power and not to delay-sensitive data as in Forssell, then modifying bandwidth based on passive and active states and in response to signaling can be considered acceptable in Cromer.

Moreover, the Applicants note that one skilled in the art would understand that a “ping” as disclosed in Cromer necessitates a response from the device to which the ping is addressed. As Cromer discloses “If the incoming packet is a “ping” packet for maintaining a connection between the client device and the WLAN, **the client device responds** and remains at the lowest bandwidth,” (emphasis added), (par. [0010]). The Applicants contend that such a required response to a ping by a terminal in Forssell would likely interfere with a determination of passive

and active periods and at least change the principal operation of the reference.

MPEP 2143.01VI recites:

**“THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE**

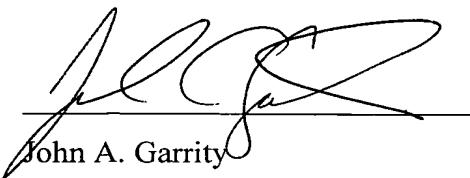
If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (Claims were directed to an oil seal comprising a bore engaging portion with outwardly biased resilient spring fingers inserted in a resilient sealing member. The primary reference relied upon in a rejection based on a combination of references disclosed an oil seal wherein the bore engaging portion was reinforced by a cylindrical sheet metal casing. Patentee taught the device required rigidity for operation, whereas the claimed invention required resiliency. The court reversed the rejection holding the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.” 270 F.2d at 813, 123 USPQ at 352.).”

The Applicants contend that the Examiner has not succeeded in presenting a *prima facie* case of obviousness in the Office Action. The Applicants submit that a person skilled in the art would not have modified Forssell in view of Cromer for at least the reasons that the modification would have decreased the performance of Forssell by increasing the delay, and that the combination of Forssell and Cromer, which the Applicants do not admit is feasible or suggested, would change the principle of operation of the reference.

Based on the above explanations and arguments, it is clear that the references cited cannot be seen to disclose or suggest claims 1-22. The Examiner is respectfully requested to reconsider and remove the rejections of claims 1-22 and to allow all of the pending claims 1-22 as now presented for examination. Should any unresolved issue remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

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Art Unit: 2619

Respectfully submitted:



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#### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

February 14, 2008

John A. Garrity

Date Name of Person Making Deposit